

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DAVID PATTERSON

PLAINTIFF

V.

CIVIL ACTION NO. 3:23-CV-3-DPJ-FKB

UNITED STATES OF AMERICA

DEFENDANT

ORDER

Federal inmate David Patterson sued the United States pro se under the Federal Tort Claims Act, alleging negligence in his conditions of confinement. Compl. [1]. He then moved for a default judgment [26] claiming that the United States failed to comply with the Court's IFP order [11]. The United States moved to dismiss [28], alleging failure to serve process as required by Federal Rule of Civil Procedure 4(i). United States Magistrate Judge F. Keith Ball recommended denying both motions in separately docketed reports and recommendations. R&Rs [41, 42]. The parties had until January 16, 2024, to file their objections under Federal Rule of Civil Procedure 72(b)(2). *See* R&R [41] at 2 (advising Patterson of deadline); R&R [42] at 3 (same as to United States). Neither party submitted timely objections.

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee's note (1983), *quoted in Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), *superseded on other grounds by* 28 U.S.C. § 636(b)(1) *as noted in Alexander v. Verizon Wireless Servs., L.L.C.*, 875 F.3d 243, 248 (5th Cir. 2017). Having reviewed the record and found no clear error, the Court accepts the well-reasoned recommendations of Judge Ball.

IT IS, THEREFORE, ORDERED that the Reports and Recommendations of United States Magistrate Judge F. Keith Ball [41, 42] are adopted as the findings and holdings of this Court. Patterson's motion for default judgment [26] is denied. The United States' motion to dismiss [28] is denied. As recommended by Judge Ball, the Court orders the United States to file its Answer to Patterson's Complaint within 60 days of entry of this Order.

SO ORDERED AND ADJUDGED this the 19th day of January, 2024.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE